



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JUNE E. HAMER,

Plaintiff,

v.

ST. THOMAS HOSPITAL,

Defendant.

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No. 3:11-cv-00521

Judge Trauger

Magistrate Judge Griffin

JURY DEMAND

DEFENDANT'S MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12 and Local Rule 7.01, Defendant, St. Thomas Hospital, submits this Motion to Dismiss seeking the dismissal with prejudice of the following claims asserted by Plaintiff: Plaintiff's claims under the Tennessee Human Rights Act ("THRA"); Plaintiff's claim of harassment in violation of the Age Discrimination in Employment Act ("ADEA"); Plaintiff's claim of age discrimination in violation of Title VII of the Civil Rights Act of 1964; and Plaintiff's claims for punitive damages and compensatory damages for non-pecuniary loss.

Plaintiff's claims under the THRA should be dismissed because they are barred by the THRA's applicable one-year statute of limitations. Plaintiff's claim for harassment under the ADEA should be dismissed because Plaintiff failed to exhaust her administrative remedies and Plaintiff failed to plead specific facts sufficient to support a cause of action for harassment. Plaintiff's claim of age discrimination in violation of Title VII should be dismissed because Title VII does not prohibit age discrimination. Similarly, Plaintiff's claims for punitive damages and